

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH MADISON,

Plaintiff,

Case Number 12-12189
Honorable David M. Lawson

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, DENYING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, AND REMANDING
CASE TO COMMISSIONER FOR FURTHER PROCEEDINGS**

Presently before the Court is the report issued on May 7, 2013 by Magistrate Judge Mark A. Randon pursuant to 28 U.S.C. § 636(b), recommending that this Court grant the plaintiff's motion for summary judgment, deny the defendant's motion for summary judgment, and remand the case to the Commissioner under sentence four of 42 U.S.C. § 405(g) to fully develop the record and for further proceedings. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #15] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt. #10] is **GRANTED**.

It is further **ORDERED** that the defendant's motion for summary judgment [dkt. #13] is **DENIED**.

It is further **ORDERED** that the case is **REMANDED** to the Commissioner for further proceedings and to develop the record pursuant to 42 U.S.C. § 405(g).

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: May 28, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 28, 2013.

s/Shawntel Jackson
SHAWNTEL JACKSON